

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

JOHN CARTER,  
Plaintiff

v.

UNITED STATES,  
Defendant

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File No. 1:06-CV-225

**ORDER**

The Magistrate Judge's Report and Recommendation was filed February 20, 2008. (Paper 31.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The defendant's motion to dismiss (Paper 20) is GRANTED and this case is DISMISSED for lack of subject matter jurisdiction.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19<sup>th</sup> day of March, 2008.

/s/ J. Garvan Murtha  
J. Garvan Murtha  
United States District Judge